



PLANNING COMMISSION AGENDA REPORT

VI.1

MEETING DATE: JULY 23, 2007

ITEM NUMBER:

**SUBJECT: ZONING APPLICATION ZA-06-48 (APPEAL OF TIME EXTENSION)
KLINE SCHOOL
320 EAST 18TH STREET**

DATE: JULY 12, 2007

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

Appeal of the Zoning Administrator's extension of a Zoning Application for weekday curbside drop-off and pick-up, and to allow up to five (5) staff vehicles to park on the street for an interim period, for a private elementary school (Kline School).

APELLANTS/APPLICANT

The appellants are Beth Refakes, Howard Denghausen, and Dee Ward. The applicant is Susan Kline, who is also the owner of the property.

RECOMMENDATION

Uphold, reverse, or modify the extension by adoption of Planning Commission resolution.

MEL LEE, AICP
Senior Planner

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

On August 14, 2006, Planning Commission, on a 5-0 vote¹, approved Zoning Application ZA-06-48 a request by the applicant to modify conditional use permits PA-86-103 and PA-86-121, allowing the use of 20 off-site parking spaces on the adjacent Lighthouse Coastal Community Church property. The agreement for the use of the off-site parking spaces was terminated by the Church; as a result, the applicant filed ZA-06-48 to allow up to five staff vehicles to park on East 18th Street, as well as allowing curbside drop-off and pick-up, while the applicant searched for a new school site.

A condition of approval was incorporated that the Zoning Application expires on August 1, 2007 unless the applicant applied for and is granted an extension of time.

The applicant requested an extension of time for the Zoning Application stating that although the school continues to aggressively search for a new location, it has been hampered by the current real estate market and lack of suitable properties. However, the applicant remains committed to relocating once a suitable property is found. As part of the extension request, staff visited the site and did not observe any parking or traffic problems associated with the use; additionally, staff did not receive any complaints associated with the use prior to the request for the time extension. As a result, an extension of the approval, valid until August 1, 2008, was approved by the Zoning Administrator on June 7, 2007.

An appeal of the Zoning Administrator's extension was filed on June 14, 2007 on the basis that the use is not compatible with the surrounding neighborhood.

ALTERNATIVES

Planning Commission may consider the following alternatives:

1. Uphold the approval of the extension with no modifications to the conditions of approval.
2. Approve the extension with modifications to the conditions of approval.
3. Deny the extension. If the extension is denied, appropriate findings would need to be made.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

¹ Zoning Applications are typically reviewed by the Zoning Administrator, however, this request was forwarded to the Planning Commission as a public hearing.

CONCLUSION

The Planning Commission may uphold the extension as currently conditioned, modify the conditions of approval, or deny the extension as requested by the appellants.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Exhibit "B-1" – Curb Side Drop-off and Pick-Up Procedure
 Appeal Application
 ZA Decision Letter with Exhibits
 Minutes of Planning Commission Meeting of August 14, 2006
 Planning Division Staff Report
 Planning Commission Resolution
 Zoning/Location Map
 Site Plan
 Correspondence Received From Public (Separately Bound Document)

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Howard Denghausen
343 Magnolia Street
Costa Mesa, CA 92627

Beth Refakes
320 Magnolia Street
Costa Mesa, CA 92627

Dee Ward
342 East 18th Street
Costa Mesa, CA 92627

Susan Kline
Kline School
320 East 18th Street
Costa Mesa, CA 92627

DRAFT PLANNING COMMISSION RESOLUTION

RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING AN EXTENSION OF
TIME FOR ZONING APPLICATION ZA-06-48**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Susan Kline, owner of real property located at 320 East 18th Street, requesting approval of a modification to previously approved conditional use permits PA-86-103 and PA-86-121 to eliminate the requirement for off-site parking; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 14, 2006 and ZA-06-48 was approved; and

WHEREAS, an extension of time was requested by the applicant, which was approved by the Zoning Administrator on June 7, 2007; and

WHEREAS, on June 14, 2007, the Zoning Administrator's extension of ZA-06-48 was appealed to the Planning Commission; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 23, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** an extension of time for Zoning Application ZA-06-48 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for ZA-06-48 and upon applicant's compliance with each and all of the conditions contained in Exhibits "B" and "B-1". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 23rd day of July, 2007.

Donn Hall, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 23, 2007, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, parking on public streets is not regulated under the Zoning Code; therefore, areas for drop-off, pick-up, or parking cannot be designated by conditions of approval or regulated by the City. The drop-off procedure has been shown to be safe over a period of time and the proposed on-street parking is lawful. No complaints associated with the use have been received in the months preceding the request for the time extension. Staff has also monitored the on-street parking and drop-off program and did not observe any problems or concerns.
- B. The request complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed modification is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed modification is consistent with the General Plan.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF EXTENSION IS APPROVED)

- Plng. 1. The conditional use permit herein approved is valid for the 2007-2008 regular school year and shall expire at the end of the school year on August 1, 2008, unless the applicant applies for and is granted an extension of time. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The applicant shall be responsible for enforcing the curbside drop-off and pick-up procedure attached as "Exhibit B-1" as revised: "IN THE MORNING", bullet 3, ~~Do not park~~, shall read, "Park momentarily." Item #6." shall be deleted. Any proposed operational change that significantly increases or intensifies the use shall require approval of an amendment to this conditional use permit by the Planning Commission.
4. The curbside drop-off and pick-up, shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. If parking problems should develop, the applicant shall institute whatever operational measures shall be necessary and appropriate.
5. This approval shall replace the previous approvals granted under Conditional Use Permit PA-86-103 and PA-86-121 as it pertains to the off-site parking.

Exhibit "B-1"

CURBSIDE DROP-OFF AND PICK-UP PROCEDURE

IN THE MORNING

- Travel west on East 18th Street. As you approach the school property, pull over to the designated unloading zone. (Delineators will be placed on the sidewalk to mark off the area.)
- From 7:30–8:05 a.m., a staff member(s) will greet and direct your child to class.
- ~~Do not~~ park. Park momentarily.

IN THE AFTERNOON:

- Parents of students not participating in the after school program are to report to the designated loading zone according to the schedule below.

Find the first letter of your last name. Beside your letter is the time you have been assigned to receive your child(ren). Notice pick-up times are staggered. Please be prompt as a courtesy to other parents and neighbors.

A-D	2:50 p.m.
E-H	2:55 p.m.
I-L	3:00 p.m.

M-P	3:05 p.m.
Q-T	3:10 p.m.
U-Z	3:15 p.m.

- Travel west on East 18th Street. As you approach the school property, pull over to the designated loading zone. (Delineators will be placed on the sidewalk to mark off the area.)
- Staff will escort students to standing cars curbside. Once students are seat belted and car doors are closed, drivers will be instructed to proceed safely on East 18th Street.
- This pattern repeats until all students are dismissed.

AFTER SCHOOL

- Parents of students participating in the after school program are to stop by briefly to receive their child(ren) between 3:30 and 5:00 p.m.
- Do not park within 15 feet of the fire hydrant.
- Kline School closes at 5:00 p.m.

Every driver must comply with the drop-off and pick-up procedure.

VISITING THE SCHOOL

When you have school business, please park on the south side of East 18th Street, directly across from the school.

We request your cooperation in helping our teachers maximize their planning and preparation time. Rather than attempting to meet on a "drop-in" basis during busy early morning and afternoon hours, please use the teacher's voicemail and e-mail systems. This is the best way to stay in touch and arrange for a conference if necessary. Listed below are individual voice mailbox extensions and e-mail addresses:

SCHOOL VOICEMAIL: (949) 722-7242

Staff Directory	extension	e-mail address
Susan Kline	3	kline@klineschool.com
Sean Butler	4	butler@klineschool.com
Nancy Patino	5	patino@klineschool.com
Todd Stuart	6	stuart@klineschool.com
Christopher Rhodes	7	rhodes@klineschool.com
Shylda Odell	9	odell@klineschool.com

Application #: PA-06-35

Address: 320 East 18th Street, Costa Mesa, CA 92627

- 6.) ~~Out of respect for the conditional use process, Kline School will cease its operations effective June 16, 2006 pending the Planning Division and Commissioners' decision. Kline School typically operates a four to five week summer session. The closure not only presents a significant financial loss, but it also burdens the school's families.~~
- 7.) Kline School will meet the demands of the Lighthouse Coastal Community Church by removing the modular classrooms by June 30, 2006. The school will limit its enrollment to its on site capacity of 45 students and hold others on a waiting listing pending a move to a new site.
- 8.) Kline School offers a valuable service to the community. Personal Letters from a cross-section of Kline School supporters—from the school's next door neighbor to the 95 year old former volunteer—are testimony to the uniqueness and quality of the Kline School program and its operation. (See Appendix D)

APPEAL

CITY OF COSTA MESA
P. O. Box 1200
Costa Mesa, CA 92628-1200

FEE: \$ 670

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name BETH REFAKES, HOWARD DENEHAUSEN, DEE WARD
Address 320 MAGNOLIA ST., 343 MAGNOLIA ST., 342 E. 18th ST.
Phone (949) 548-5826 Representing (949) 646-3667 (949) 631-6067

REQUEST FOR: ☐ REVIEW** ☒ APPEAL ☐ REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) ZA-06-48 ON 07 JUNE 2007

- appeal of time extension 320 E. 18th St.

Decision by: R.M. ROBINSON Reasons for requesting review, appeal or rehearing:

- The use is not harmonious and compatible with the neighborhood, due to the use of the public street as a substitute parking lot, and negatively impacts surrounding property owners.
- Allowing a business to operate with no parking except the public street establishes a precedent and encourages other business owners to ignore parking requirements imposed by the City.
- The curbside drop-off and pick-up is detrimental to the health and safety of surrounding residents.
- The curbside drop-off and pick-up creates congestion and impedes traffic circulation on a major East Side collector street and diverts traffic to surrounding neighborhoods.
- Functional aspects of the site including automobile and pedestrian circulation have not been accurately addressed.
- A temporary "special" privilege should not be allowed to become permanent due to the adverse impact on surrounding property owners.
- Curbside drop-off and pick-up is not "temporary" since it can be transferred to new business or property owner or extended indefinitely on a yearly basis.
- The conditions of approval provide no incentive for the Kline School to relocate.
- The real estate market is currently "soft" and there are many properties available in the Newport-Mesa area.
- The cumulative negative impact on surrounding residents of the excessive noise generated by the simultaneous operation of the Kline School and Lil' Lighthouse Preschool has not been considered.
- The cumulative negative impact on surrounding residents of the increased traffic and parking due to the simultaneous operation of the Kline School and Lil' Lighthouse Preschool has not been considered.

Date: 14 JUNE 2007 Signature: Dee Ward Beth Refakes Howard Denehausen

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.

** Review may be requested only by City Council or City Council Member

Costa Mesa/Forms1/Application for Review-Appeal-Rehearing



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**

City of Costa Mesa

Inter Office Memorandum

TO: PLANNING COMMISSION

FROM: MEL LEE, SENIOR PLANNER *MEL*

DATE: JULY 12, 2007

**SUBJECT: SUPPLEMENTAL INFORMATION – PUBLIC CORRESPONDENCE
ZONING APPLICATION ZA-06-48 (KLINE SCHOOL)
PLANNING COMMISSION MEETING OF JULY 23, 2007**

Attached are copies of correspondence received from the public related to the above application.

Attachment

cc: Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
Transportation Services Engineer
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

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343 Magnolia Street
Costa Mesa, CA 92627

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